

**BEFORE THE
PUBLIC SERVICE COMMISSION
OF SOUTH CAROLINA**

IN RE: Sharon Stokes,)	
)	
Complainant/Petitioner)	
)	
)	Docket No. 2009-222-C
v.)	
)	
)	
BellSouth Telecommunications,)	
Inc. d/b/a AT&T South)	
Carolina ,)	
)	
Defendant/Respondent		

AT&T SOUTH CAROLINA’S ANSWER AND MOTION TO DISMISS

In compliance with the Notice the Public Service Commission of South Carolina (“the Commission”) issued in this Docket, Defendant/Respondent BellSouth Telecommunications, Inc. d/b/a AT&T South Carolina (“AT&T South Carolina”) respectfully submits this Answer to Complainant/Petitioner Sharon Stokes’ (“Ms. Stokes”) letter of May 12, 2009 (“Complaint”) that is the subject of this Docket.

I. AT&T’S WILLINGNESS TO NEGOTIATE

1. AT&T South Carolina has informed Ms. Stokes that it is willing to negotiate in good faith towards a mutually-acceptable resolution of her Complaint, at least to the extent that it is directed against AT&T South Carolina and not third parties over whom AT&T South Carolina has no control. In doing so, AT&T South Carolina is not waiving any answers or affirmative defenses set forth below, and AT&T South Carolina will defend itself vigorously against the Complaint if necessary. It is AT&T South Carolina’s hope, however, that Ms. Stokes’ claims against AT&T South Carolina can be resolved without further proceedings in this Docket.

II. SUMMARY OF MS. STOKES' ALLEGATIONS, AND AT&T SOUTH CAROLINA' RESPONSES TO THOSE ALLEGATIONS

2. Ms. Stokes alleges that she disconnected her services with Direct TV, purchased certain services from Dish Network, and purchased certain other services from AT&T South Carolina. In response to these allegations, AT&T South Carolina can neither admit nor deny any of Ms. Stokes' allegations regarding Direct TV because AT&T is without knowledge or information sufficient to do so. AT&T South Carolina admits that Ms. Stokes purchased wireless, Internet access, and wireline services (specifically, the PreferredPack[®] Plan) from AT&T South Carolina. AT&T South Carolina admits that Ms. Stokes purchased satellite television services from Dish Network through an AT&T South Carolina sales channel.

3. Ms. Stokes alleges that she subsequently was charged a termination fee by Direct TV and that her first two bills from AT&T South Carolina were incorrect. In response to these allegations, AT&T South Carolina can neither admit nor deny any of Ms. Stokes' allegations regarding Direct TV because AT&T is without knowledge or information sufficient to do so. AT&T South Carolina admits that Ms. Stokes' first and/or second bills from AT&T South Carolina contained certain mistakes. AT&T South Carolina asserts that each of these mistakes were addressed and corrected, but Ms. Stokes terminated her AT&T South Carolina and Dish Network services before those corrections appeared on her bill.

4. Ms. Stokes alleges that she subsequently terminated all of her AT&T South Carolina and Dish Network services. In response to these allegations, AT&T South Carolina admits that Ms. Stokes terminated all of her AT&T South Carolina services and all of her Dish Network services before the corrections referenced above appeared on her bill.

5. Ms. Stokes alleges that she is now receiving bills from Direct TV, Dish Network, and AT&T South Carolina and that “they have turned this over to collection agencies.” In response to these allegations, AT&T South Carolina can neither admit nor deny any of Ms. Stokes’ allegations regarding Direct TV or Dish Network because AT&T is without knowledge or information sufficient to do so. AT&T South Carolina admits that it has sent Ms. Stokes bills for services she has been provided and for which she has not paid, and AT&T South Carolina admits that it has turned those uncollected bills over to one or more collection agencies.

6. Ms. Stokes seeks unspecified relief from the Commission. AT&T South Carolina denies that the Commission has jurisdiction to provide any relief Ms. Stokes is seeking, and it denies that Ms. Stokes otherwise is entitled to any relief from AT&T South Carolina.

III. AT&T SOUTH CAROLINA’S AFFIRMATIVE DEFENSES

7. To the extent that Ms. Stoke’s Complaint addresses wireless services, the Commission lacks subject matter jurisdiction to address the Complaint. *See* S.C. Code Ann. §58-11-100(B).

8. To the extent that Ms. Stoke’s Complaint addresses Internet access services, the Commission lacks subject matter jurisdiction to address the Complaint. *See* S.C. Code Ann. §58-9-280(G)(1).

9. To the extent that Ms. Stoke’s Complaint addresses the wireline PreferredPack[®] Plan, the Commission lacks subject matter jurisdiction to address the Complaint. *See* AT&T South Carolina’s General Subscriber Service Tariff §A103.2.5 (obsoleting the tariffed PreferredPack[®] Plan offering as of October 17, 2005); S.C. Code Ann. §58-9-285(B).

10. To the extent that Ms. Stoke's Complaint addresses satellite television services Ms. Stokes purchased through an AT&T South Carolina sales channel, the Commission lacks subject matter jurisdiction to address the Complaint. *See* S.C. Code Ann. §58-9-10(6).

IV. CONCLUSION

For the reasons set forth above, if the parties are unable to resolve these matters by mutual agreement, AT&T South Carolina respectfully requests that the Commission dismiss the Complaint in its entirety and deny all requested relief.

Respectfully submitted this 10th day of July, 2009.

AT&T SOUTH CAROLINA



PATRICK W. TURNER

Suite 5200
1600 Williams Street
Columbia, South Carolina 29201
(803) 401-2900

STATE OF SOUTH CAROLINA)
)
COUNTY OF RICHLAND)

CERTIFICATE OF SERVICE

The undersigned, Jeanette B. Mattison, hereby certifies that she is employed by the Legal Department for BellSouth Telecommunications, Inc. d/b/a AT&T South Carolina ("AT&T") and that she has caused AT&T South Carolina's Answer and Motion to Dismiss in Docket No. 2009-222-C to be served upon the following on July 10, 2009:

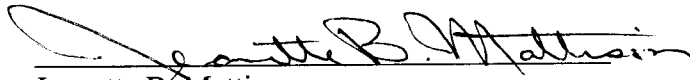
Shannon Bowyer Hudson, Esquire
Office of Regulatory Staff
1401 Main Street, Suite 900
Columbia, South Carolina 29201
(Electronic Mail)

F. David Butler, Esquire
Senior Counsel
S. C. Public Service Commission
Post Office Box 11649
Columbia, South Carolina 29211
(PSC Staff)
(Electronic Mail)

Joseph Melchers
Chief Counsel
S.C. Public Service Commission
Post Office Box 11649
Columbia, South Carolina 29211
(PSC Staff)
(Electronic Mail)

Jocelyn G. Boyd, Esquire
Deputy Clerk
S. C. Public Service Commission
Post Office Box 11649
Columbia, South Carolina 29211
(PSC Staff)
(Electronic Mail)

Sharon A. Stokes
1160 Redmond Road
Lexington, South Carolina 29073
(Certified Mail)


Jeanette B. Mattison

736720